

KENTUCKY WATER RESOURCES MEETING

2 February 2017

Presenter: COL Chris Beck (Louisville Commander)

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USACE AUTHORITIES

COL Chris Beck
Commander (Louisville District)



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District Boundary Lines



Legend

-  Kentucky
 Counties
 Congressional Districts

Corps Districts

- Huntington
- Louisville
- Memphis
- Nashville

Civil Works Business Lines

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- **Navigation**
- **Flood and Storm Risk Management**
- **Aquatic Ecosystem Restoration**
- **Watershed Planning**
- **Emergency Management**
- **Regulatory Program**
- *Hydropower*
- *Recreation*
- *Water Supply*



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Key Policy & Laws

Flood Control & WRDA

- 1936 FCA – benefits exceed costs (benefit cost ratios)
- 1986 WRDA – cost sharing required for most projects
- 2016 WIIN – Water Infrastructure Improvements for the Nation

Laws, Statutes and Executive Orders

- National Environmental Policy Act
- Clean Water Act
- National Historic Preservation Act
- EO 11988 – Flood Plain Management
- Endangered Species Act



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Continuing Authorities Overview

Authority	Description	Per Project Cost Limit (\$M)	Per Program Cost Limit (\$M)
Section 14	Emergency Streambank Stabilization	5	20
Section 107	Navigation	10	50
Section 205	Flood Risk Management	10	55
Section 208	Flood Snagging/Clearing	0.5	7.5
Section 206	Aquatic Ecosystem Restoration	10	40
Section 1135	Ecosystem Restoration	10	25



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Other Programs & Authorities

- Planning Assistance to States (Section 22)
Can be used to provide technical or planning assistance on just about ANYTHING



- Flood Plain Management Services Program
- Emergency Management (PL 84-99)
- Environmental Infrastructure (Section 219 & 531)



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Kentucky Silver Jackets

- Numerous Agencies
- Meets ~ every 6 weeks
- Share/leverage information resources



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Questions?



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REGULATORY UPDATE

Lee Anne Devine
Chief, Regulatory (Louisville District)



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Regulatory Program Goals & Authorities

➤ Goals:

- Protect the Nation's aquatic resources while allowing reasonable development
- Fair, flexible and balanced decisions

➤ Authorities:

- Section 10 of the Rivers and Harbors Act of 1899
 - Regulate structure or work on navigable waters – maintain navigable capacity
- Section 404 of the Clean Water Act
 - Regulate discharge of dredged or fill material into “waters of the U.S.” - maintain physical, chemical and biological integrity of our nation's waters



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Regulatory Program Goals & Authorities

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- Applications Include: Industrial Developments; Subdivisions; Water and Sewer Infrastructure; “Mom and Pop” Projects; River Facilities; Farming Activities; Roads; Marinas; Coal Mining Proposals, etc.
 - Pre-application Meetings -
 - Discuss alternatives, review process, timelines
 - Investigate qualification for Exemptions
 - Farming Exemptions –
 - Construction/ Maintenance of farm or stock ponds and farm roads; Normal ongoing farming and silvicultural activities
 - Site Visits
 - Determine jurisdiction
 - Public Interest Review
 - Special Conditions - Hours of Operation, Endangered Species, Historic Properties, Mitigation
- Work to get to YES



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Our Value to Kentucky

- Partnership with KY Transportation Cabinet (KYTC)
 - Developed a Memorandum of Agreement - Spring 2016
 - Fund 3 Positions through Section 214 of WRDA
 - Focus on Projects and Priorities specified by KYTC
 - More timely decisions
 - Develop better working relationships

- Partnership with Kentucky Department of Fish and Wildlife Resources
 - In Lieu Fee Program - Established in 2002; Updated in 2011
 - One of first across the country that was compliant with the 2008 Mitigation Rule
 - Great asset to the Commonwealth – provides mitigation opportunities for development projects
 - Outstanding partners in mitigation needs across the Commonwealth

Status of Major Initiatives

- Waters of the United States
 - Clean Water Rule – Issued - June 2015/Stay - Oct 2015
 - April 2017 - Supreme Court to hear – District vs Circuit Court Decision
 - Did potentially increase the amount of isolated waters and wetlands that would be jurisdictional
- 2017 Nationwide Permits – Effective March 19, 2017
- Coal Permit Requests
 - Developed a Pre-Application process with KDNR, KDOW, USEPA, USACE, USFWS & OSM
 - Meet early to discuss projects to improve communication and coordination on coal applications
 - Eliminate inconsistent requirements from agencies
 - Fill Placement Optimization Process (FPOP)
 - Engineering process developed to minimize impacts
 - Reps from - KDOW, Environmental Group, Coal Companies, Consultant, KDMP, OSM, USACE
 - State of the Art Process



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OHIO RIVER BASIN UPDATE

COL Chris Beck
Commander (Louisville District)



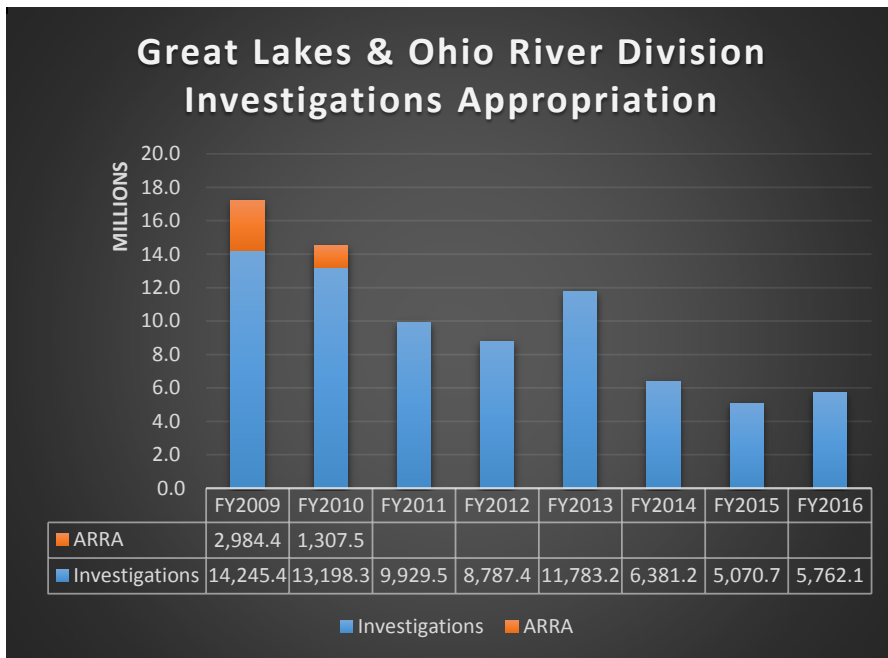
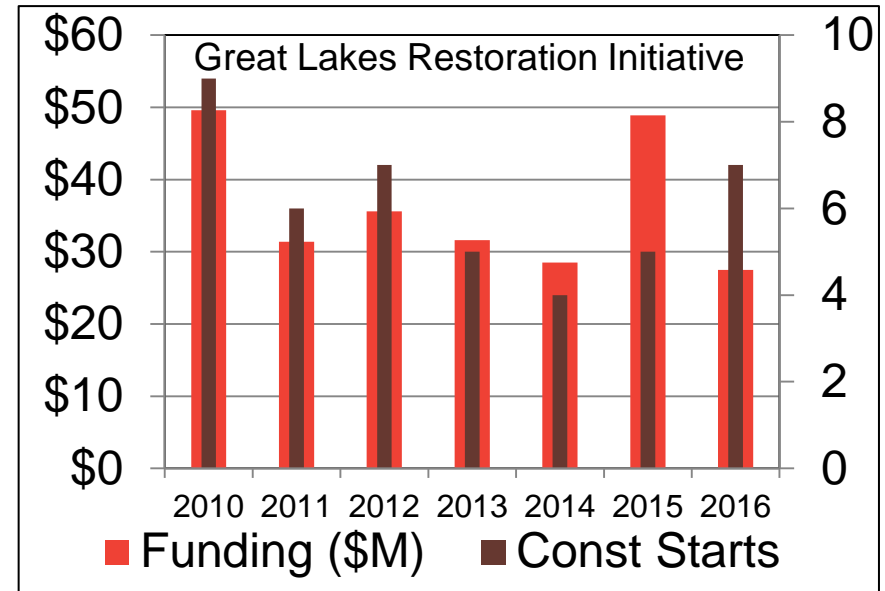
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Overview

- Sustainability of the Ohio River Basin is a collaborative effort among various partners across 14 states
- Ohio River Basin Comprehensive (ORBC) Plan is intended to provide a strategic plan for prioritizing investments in order to efficiently and effectively address water resource related issues in a holistic manner using a watershed approach
- Ultimate goal is to garner interagency cooperation, establish a shared vision and voice within the Basin, collaboratively forecast future conditions and critical needs, identify opportunities to share and leverage resources, prioritize investments to promote a resilient and sustainable future, and implement timely solutions

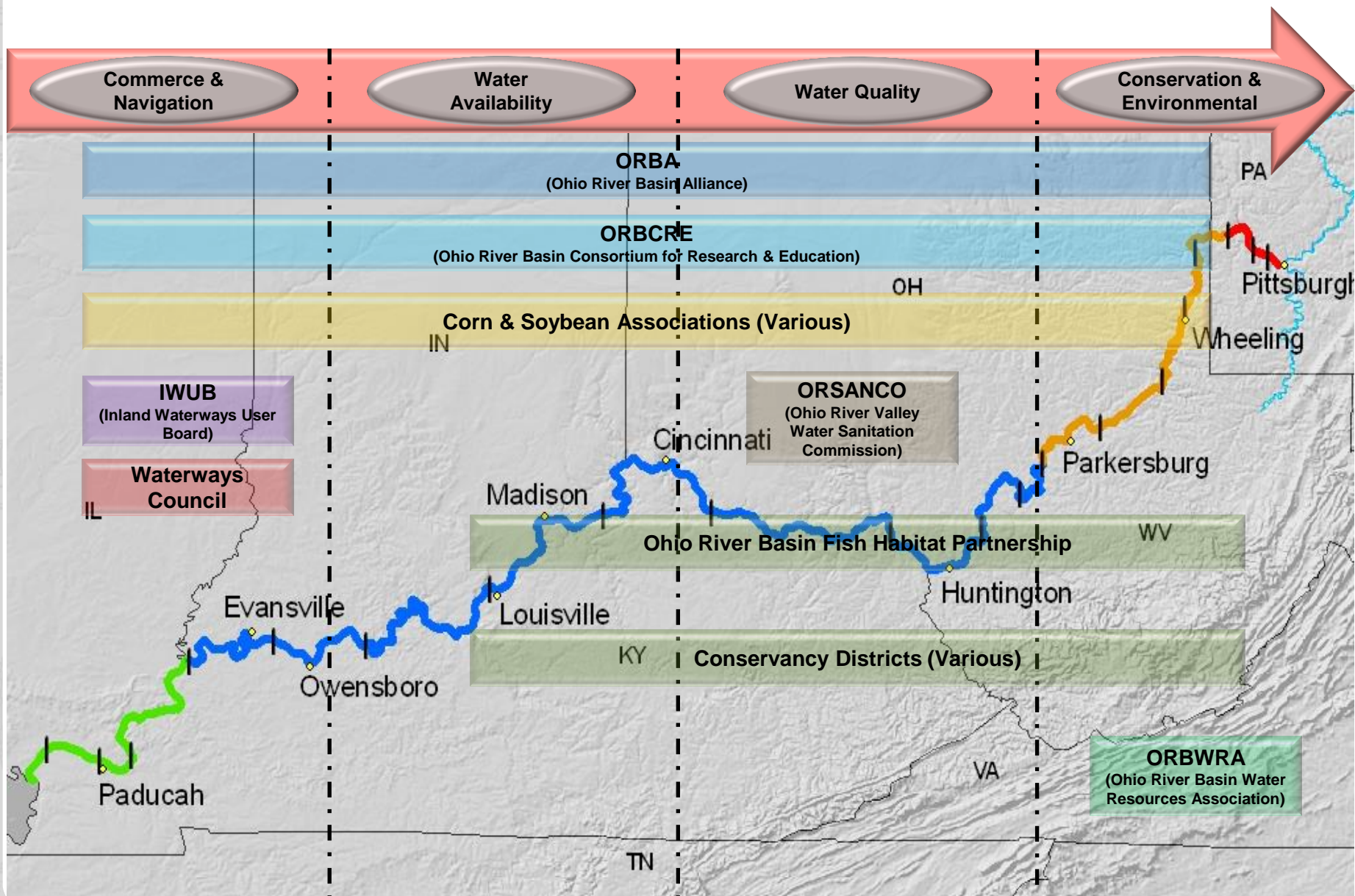
Great Lakes Restoration Initiative VS Investigations Funding



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Primary Mission(s)



2009 Ohio River Basin Comprehensive Plan

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- Collaborative effort between Pittsburgh, Huntington, Louisville, and Nashville Districts and numerous local, State, and Federal stakeholders
- Examination of problems, issues, and opportunities and identification of needs
- Evaluation of existing and future conditions
- Formulation of over 100 solutions and recommended actions (not all Corps-related)
- Evaluation using qualitative measures
- Recommendation of 20 actions with emphasis on four priorities
 1. Basin-wide water management
 2. Basin-wide reinvestment strategy
 3. Collaborative and cooperative organization within the Basin
 4. Watershed management and investment plans for all sub-basins
- Development of a Programmatic Management Plan guiding investments within the Basin
- Great ideas, good start ---- need to maintain momentum



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Basin-Wide Investigations

Completed:

- Ohio River Navigation Dams Rehabilitation Prioritization Study
- Ohio River Basin Climate Change Adaptation/Mitigation Strategies Pilot Study
- Green River Final Watershed Assessment

Ongoing:

Licking River Watershed Final Watershed Assessment

Potential:

- Base Proposal - ORB Forum and GIS Resource Atlas
 - Engage Federal and State agencies and others to establish a stakeholder forum and develop a basin-wide digital atlas (GIS/Google Earth type format), a tool to facilitate access to best available government data and natural and human resources information to support government and private sector investment decisions.
- Option – Risk Assessment and Shared Vision Planning Model for the basin
 - Collaborative identification of threats and vulnerabilities to basin resources and opportunities for gains in Economic Development and Environmental Quality
 - Collaborative Shared Vision Planning Model for basin to manage risks and compare and prioritize investment opportunities



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